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6 Attorneys for Petitioner
7 CINTAS CORPORATION

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 (OAKLAND DIVISION)

11 IN RE:

12 CINTAS CORP. OVERTIME PAY
13 ARBITRATION LITIGATION

Lead Case No. M:06-cv-01781-SBA

PROOF OF SERVICE

E-FILING

14
15 Date: December 12, 2006
16 Time: 1:00 p.m.
17 Courtroom: 3

PROOF OF SERVICE

I, JOHNETTE P. SMITH, am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is One Maritime Plaza, Third Floor, San Francisco, California 94111-3492.

On October 20, 2006, I served the document(s) described as:

- NOTICE OF MOTION AND MOTION BY PETITIONER CINTAS CORPORATION FOR ORDERS ESTABLISHING THAT: (1) THE MAKING OF EACH ARBITRATION AGREEMENT AS BETWEEN CINTAS AND EACH RESPONDENT IS NOT IN ISSUE; AND (2) THE FAILURE OF EACH RESPONDENT TO COMPLY WITH HIS OR HER ARBITRATION AGREEMENT IS NOT IN ISSUE; AND (3) WITH THE FOREGOING ESTABLISHED THERE ARE NO FURTHER PRETRIAL PROCEEDINGS TO BE HELD AND AS SUCH, UNDER JPML RULE 7.6(c)(ii) THE MDL TRANSFEREE JUDGE SUGGESTS TO THE JPML THAT EACH PETITION PROCEEDING BE RETURNED TO THE DISTRICT COURT WHERE IT WAS FILED FOR ENTRY BY EACH TRANSFEROR DISTRICT COURT OF AN ORDER COMPELLING ARBITRATION IN THAT DISTRICT OF SUCH RESPONDENTS' CLAIMS; MEMORANDUM IN SUPPORT THEREOF;
- REQUEST FOR JUDICIAL NOTICE BY PETITIONER CINTAS CORPORATION IN SUPPORT OF MOTION FOR ORDERS ESTABLISHING THAT: (1) THE MAKING OF EACH ARBITRATION AGREEMENT AS BETWEEN CINTAS AND EACH RESPONDENT IS NOT IN ISSUE; AND (2) THE FAILURE OF EACH RESPONDENT TO COMPLY WITH HIS OR HER ARBITRATION AGREEMENT IS NOT IN ISSUE; AND (3) WITH THE FOREGOING ESTABLISHED THERE ARE NO FURTHER PRETRIAL PROCEEDINGS TO BE HELD AND AS SUCH, UNDER JPML RULE 7.6(c)(ii) THE MDL TRANSFEREE JUDGE SUGGESTS TO THE JPML THAT EACH PETITION PROCEEDING BE RETURNED TO THE DISTRICT COURT WHERE IT WAS FILED FOR ENTRY BY EACH TRANSFEROR DISTRICT COURT OF AN ORDER COMPELLING ARBITRATION IN THAT DISTRICT OF SUCH RESPONDENTS' CLAIMS;
- DECLARATION OF MARK C. DOSKER IN SUPPORT OF MOTION BY PETITIONER CINTAS CORPORATION FOR ORDERS, etc;
- DECLARATION OF JOHNETTE P. SMITH IN SUPPORT OF MOTION BY PETITIONER CINTAS CORPORATION FOR ORDERS, etc.;
- SUBMISSION OF PROPOSED ORDER GRANTING MOTION BY PETITIONER CINTAS CORPORATION etc.



Via United States District Court Electronic Filing Service on the party(ies) as set forth below.

Steven W. Pepich
James A. Caputo
Lerach Coughlin et al.
655 W. Broadway, Suite 1900
San Diego, CA 92101
Facsimile: (619) 231-7423

1 ☒ **By U.S. Mail.** By placing the document(s) listed above in a sealed envelope addressed as
 2 set forth below. I am “readily familiar” with the firm’s practice of collection and
 3 processing correspondence for mailing. Under that practice the mail would be deposited
 4 with U.S. postal service on that same day with postage thereon fully prepaid at San
 5 Francisco, California, in the ordinary course of business. I am aware that on motion of the
 6 party served, service is presumed invalid of postal cancellation date or postage meter date
 7 is more than one day after date of deposit for mailing in affidavit.

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 9 Theresa M. Traber
 10 Traber & Voorhees
 11 128 N. Fair Oaks Ave., Suite 204
 12 Pasadena, CA 91103
 13 Facsimile: (626) 577-7079

14 Michael Rubin
 15 Altshuler Berzon Nussbaum
 16 177 Post Street, Suite 300
 17 San Francisco, CA 94108
 18 Facsimile: (415) 362-8064

19 Executed on October 20, 2006, at San Francisco, California. I declare that I am employed in the
 20 office of a member of the bar of this court at whose direction the service was made.

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 Johnette P. Smith

 /s/